IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 8284 of 2007(J)

PETITIONER:

SHEEBA REGI, W/O. R.G.REGI KUMAR,
REGI BHAVAN, VELLOOR, KOTTAYAM.

BY ADV. SRI.M.A.MANHU
SRI.M.A.FAYAZ

RESPONDENTS:
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1. REGIONAL TRANSPORT OFFICER,
KOTTAYAM.

2. K.S.SURESH,
KANIYARATHUNGAL, KOOROPADA, KOTTAYAM.

BY SR.GOVERNMENT PLEACER SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.8284 OF 2007-J

Judgment

The petitioner has approached this Court, seeking a direction to the Secretary, RTA, Kollam to consider and pass orders on Ext.P7. In Ext.P7, she seeks modification of Exts.P2 and P4 time schedules of two services operated by her. Ext.P2 is issued only on 25.11.2006. So, Ext.P7 is filed against that time schedule before the expiry of one month's time. Ext.P4 is issued only on 07.12.2006. A representation is moved before the Secretary, RTA against the said time schedule after two weeks. If the petitioner is aggrieved by Exts.P2 and P4, her remedy is to move the STAT in revision. A representation in the nature of Ext.P1, soon after the issuance of those orders is not maintainable. The Secretary, RTA has become functus officio and even if he ventures to modify those time schedules, those orders are normally liable to be set aside at the instance of the rival operators. In view of the above legal position, the prayer of the petitioner to direct the 1st respondent to pass orders on Ext.P7 cannot be granted. Accordingly, the Writ Petition is dismissed without prejudice to the contentions of the petitioner and her right to invoke the revisional remedy before the STAT against Exts.P2 and p4.

13.03.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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